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Attorneys for Defendant  
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL KLIMENT as co-successor-in  
interest for Decedent, CHRISTOPHER PAUL  
KLIMENT; LINDA KLIMENT as co-  
successor-in-interest for Decedent,  
CHRISTOPHER PAUL KLIMENT,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, a municipal corporation; and  
DOES 1-50, inclusive, individually, jointly and  
severally,

Defendants.

Case No. 4:20-cv-03257-YGR

**JOINT NOTICE OF CONDITIONAL  
SETTLEMENT BETWEEN PLAINTIFFS AND  
DEFENDANT; STIPULATION AND  
[PROPOSED] ORDER VACATING TRIAL  
DATE**

Date Action Filed: May 13, 2020  
Trial Date: November 7, 2022

TO THE COURT AND ALL PARTIES IN THIS ACTION:

PLEASE TAKE NOTICE that the parties, Plaintiffs MICHAEL KLIMENT as co-successor-in  
interest for Decedent, CHRISTOPHER PAUL KLIMENT and LINDA KLIMENT as co-successor-in-  
interest for Decedent, CHRISTOPHER PAUL KLIMENT (“Plaintiffs”), by and through their attorney  
of record James Cook, Esq., and Defendant CITY AND COUNTY OF SAN FRANCISCO  
 (“Defendant”), by and through its attorney of record, Deputy City Attorney Christopher B. Whitman  
 (collectively, the “Parties”), have tentatively reached agreement on the terms of settlement of this

1 action. The proposed settlement is subject to the approval of the Board of Supervisors of the City and  
 2 County of San Francisco. Defendant's counsel – the San Francisco City Attorney's Office – will  
 3 present the proposed settlement for approval at the next available meeting. The City Attorney's Office  
 4 will recommend approval of the proposed settlement.

### 5 STIPULATION

6 WHEREAS, on or about December 1, 2021, the Parties tentatively reached agreement on the  
 7 terms of settlement of this action; and

8 WHEREAS, the current trial date is November 7, 2022; and

9 WHEREAS, the City needs additional time to request that the Board of Supervisors approve  
 10 the proposed settlement, and to receive such approval.

11 The Parties concur that good cause exists to vacate the trial date for the purpose of finalizing  
 12 the settlement.

13 IT IS SO STIPULATED

14 DATE: December 2, 2021

DAVID CHIU  
 City Attorney  
 MEREDITH B. OSBORN  
 Chief Trial Deputy  
 CHRISTOPHER B. WHITMAN  
 Deputy City Attorney

18 By: /s/ Christopher B. Whitman  
 CHRISTOPHER B. WHITMAN

Attorneys for Defendants  
 CITY AND COUNTY OF SAN

22 DATE: December 2, 2021

LAW OFFICE OF JOHN L. BURRIS

23 By: /s/ James Cook  
 JAMES COOK, ESQ.

Attorneys for Plaintiffs

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**ATTORNEY ATTESTATION**

I hereby attest that I have authorization from all of the above-named counsel to E-file this stipulation and this authority is reflected by the conformed signature (“/s/”) within this E-filed document.

DATE: December 2, 2021

By: /s/ Christopher B. Whitman  
CHRISTOPHER B. WHITMAN

**[PROPOSED] ORDER**

IT IS HEREBY ORDERED that the trial date in the instant action is vacated.

IT IS SO ORDERED.

DATE:

HON. YVONNE GONZALEZ ROGERS  
United States District Judge